

Appl. No. 09/681,136
Response dated March 2, 2005
Action mailed Sept. 2, 2004

PATENT APPLICATION
Attorney Docket No. 00H1450

General Authorization Under 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to treat this or any future response requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time.

In addition, the Patent and Trademark Office is hereby authorized to charge any fees deemed due under 37 CFR 1.17 to Deposit Account 19-2260.

Further, if it is determined that any other fees are due in this application, or if it is determined that an overpayment has been made, the Patent and Trademark Office is hereby authorized to charge or credit Deposit Account 19-2260 as appropriate.

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REMARKS/ARGUMENTS

This Response amends one claim and adds no new claims. Consequently, this filing has not generated any additional claim fees. It is believed, however, that a three-month extension of time is required. Accordingly, a Petition for a three-month extension of time accompanies this Response. Fees have been authorized to be paid via Deposit Account. Further, if it is determined that additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 19-2260 in the amount of such fees.

Sections 3 through 25 of the Office Action reject claims 1, 4, 6, 9-14 and 19-36 under 35 U.S.C. §103(a) as being unpatentable over Jensen et al., U.S. Patent No. 6,587,937, in view of Patent Application Publication No. 2002/0083110 of Kozuch et al. Applicants offer the following remarks regarding the §103(a) rejections.

Regarding the rejection of claim 1 as expressed in sections 5-7 of the Office Action, Applicants' position is that the cited combination of Jensen et al. and Kozuch et al. does not teach the invention of the pending claims. For example, claim 1 makes its inactivity determination during a start-up period of a partition. In contrast, Kozuch et al. does not include such a teaching. Rather, Kozuch et al. employs a virtual machine monitor to coordinate its system management. Consequently, Applicants request that the rejection based on this combination be withdrawn.

Regarding the rejection of claim 4 in section 8 of the Office Action, Kozuch et al. does not disclose, for example, the assignment of a virtual machine to an established partition of processor time. The cited passage from paragraph 29 of Kozuch et al., as further clarified by paragraph 28 of Kozuch et al., only determines which of the already

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active virtual machines will be allowed to continue their activity, it does not contain any teaching regarding the use of prior activity determinations as a factor influencing the assignment of virtual machines to partitions of processor time.

Regarding the rejections of claims 6, 9, 13, 20, 23, 24, 26 and 28 in sections 9, 10, 12, 16, 17 and 20 of the Office Action, Kozuch et al. does not teach, for example, the placement of a processor into a reduced power mode for the duration of a specific partition of processor time (or "scheduled activation time" per claims 24 and 26). The Kozuch et al. passages cited in support of the rejections contain no teaching regarding the coordination of a reduced power mode with specific partition determined events or scheduled activation times.

Regarding the rejections of claims 10 through 12 in section 11, claim 21 in section 15 and claims 25 and 27 in sections 18 and 19 of the Office Action, Kozuch et al. does not include, for example, any teaching related to the reassignment of an established partition of processor time to a different virtual machine. The cited passage of Kozuch et al. regarding the restoration of the state of a virtual machine contains no teaching involving the reassignment of a partition to a different virtual machine.

Regarding the rejection of claims 19 and 22 in section 14 of the Office Action, the cited paragraph of Kozuch et al. does not teach, for example, the activation of a virtual machine during a partition that was previously assigned to a different virtual machine. The identification in Kozuch et al. of those virtual machines deemed to be more valuable, provides no teaching concerning the activation of one virtual machine during a partition assigned to a different virtual machine.

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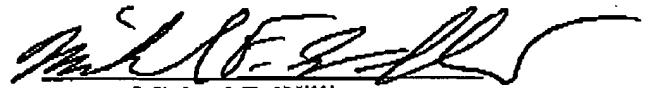
Regarding the rejection of claims 29-37 in sections 21-25 of the Office Action, the cited paragraphs of Kozuch et al. do not teach, for example, the checking of a status code to determine whether a given virtual machine will be active. Rather, Kozuch et al. checks a signal only to determine whether a battery may be running low on power.

Applicants believe that the above remarks fully address the issues and rejections raised in the Office Action and establish that the pending claims are allowable over the stated rejections. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested.

Respectfully Submitted,

March 2, 2005
Date

By



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